



**DEPARTMENT OF THE NAVY**  
COMMANDER  
UNITED STATES FLEET FORCES COMMAND  
1562 MITSCHER AVENUE SUITE 250  
NORFOLK VA 23551-2487

5720  
Ser N01P (2017-10-002161)/006  
January 19, 2017

Mr. Ben Finley  
150 W. Brambleton Avenue  
Norfolk, Va. 23510

Dear Mr. Finley:

This letter responds to your Freedom of Information Act (FOIA) request dated December 27, 2016, wherein you request multiple documents related to the general court-martial United States v. LCDR Edward C. Lin, U.S. Navy.

Your request was processed under applicable provisions of the FOIA statute, as amended, and the implementing Navy Department directive (SECNAVINST 5720.42F).

As referenced in your FOIA request, you seek the current charge sheet filed against LCDR Edward C. Lin, the defense attorneys' response to the Article 32 hearing, the unclassified portions of the Rogue Archer report, the deposition of Justin Han Kao, the Judge's ruling on unlawful command influence motion, and transcripts of all court proceedings so far.

After reviewing your request, I determined that the Naval Criminal Investigative Service (NCIS) is the appropriate action office for review of your request pertaining to all ROI involved in the case, including the "Rogue Archer" ROI. Therefore, that portion of your request has been forwarded to NCIS for action and a direct response to you. You may contact NCIS using the information below:

Naval Criminal Investigative Service  
ATTN: 00LJF FOIA  
27130 Telegraph Road  
Quantico, VA 22134-2253  
[ncis\\_foia@ncis.navy.mil](mailto:ncis_foia@ncis.navy.mil)  
POC: CDR Karen Richman, JAGC, USN, 571-305-9099

After a review of the current charge sheet, it was determined that certain portions were exempt from disclosure under 5 USC 552(b)(6), which is information personal in nature, where release of such information could result in an unwarranted invasion of the personal privacy of various individuals.

With respect to the remaining documents, after careful consideration of your request I have determined that they are exempt from disclosure and must be withheld in their entirety pursuant to exemptions (b)(6), (b)(7)(A), and (b)(7)(B) of the FOIA. The documents are part of an ongoing law enforcement proceeding and the production of these documents could reasonably be expected to interfere with those enforcement proceedings. Further, their disclosure may deprive the Accused of his right to a fair trial. I have also determined that the particular kinds of documents you have requested in this case could generally interfere with LCDR Lin's court-martial; therefore I am withholding them

5720

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categorically. Additionally, release of the information sought could result in an unwarranted invasion of the personal privacy of various individuals. Reasonable segregation of any information not exempt from release is not possible.

Because your request has been denied, you are advised of your right to appeal the denial of your request by writing to:

Office of the Judge Advocate General  
Department of the Navy  
Attn: FOIA Appeals, Code 14  
1322 Patterson Ave, SE, Ste 3000  
Washington Navy Yard, DC 20374-5066


Your appeal must be postmarked within ninety (90) calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

In this instance, the fees associated with the processing of this request were below the minimum threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis, and a previous determination has no influence on future determinations.

For this determination, you have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at [christopher.a.julka@navy.mil](mailto:christopher.a.julka@navy.mil), (703) 697-0031; or by contacting the Office of Government Information Services (<https://ogis.archives.gov/>), [ogis@nara.gov](mailto:ogis@nara.gov), (202) 741-5770.

I am the person responsible for this determination. Please contact Ms. Linda Alvers at (757) 836-3630 or at [linda.alvers@navy.mil](mailto:linda.alvers@navy.mil) if you require further assistance.

Sincerely,

  
J.E. HANZLIK, JR.  
Captain, U.S. Navy  
By direction of the Commander

Copy to: Case File, Serial File, USFF N01L, NCIS 00LJF FOIA



# CHARGE SHEET

## I. PERSONAL DATA

1 NAME OF ACCUSED (Last, First, MI) LIN, Edward C. L.	2 SSN (b)(6)	3 RANK/RATE LCDR	4 PAY GRADE O-4
5 UNIT OR ORGANIZATION Commander Patrol and Reconnaissance Group		6. CURRENT SERVICE a. INITIAL DATE 22 Dec 1999 b. TERM Indefinite	
7. PAY PER MONTH a. BASIC (b)(6)	b. SEA/FOREIGN DUTY \$0.00	c. TOTAL (b)(6)	8 NATURE OF RESTRAINT OF ACCUSED Pre-Trial Confinement
			9. DATE(S) IMPOSED September 11, 2015 - Present

## II. CHARGES AND SPECIFICATIONS

### 10 CHARGE I VIOLATION OF THE UCMJ, ARTICLE 92

Specification 1 (Violation of a Lawful General Order): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near San Francisco International Airport, on or about 12 February 2015, fail to obey a lawful general order, to wit: SECNAV M-5510.36, paragraph 9-3, dated June 2006, as incorporated into SECNAVINST 5510.36A, dated 6 October 2006, by wrongfully transporting material classified as SECRET.

Specification 2 (Violation of a Lawful General Order): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 20 February 2015, fail to obey a lawful general order, to wit: SECNAV M-5510.36, paragraph 12-2, dated June 2006, as incorporated into SECNAVINST 5510.36A, dated 6 October 2006, by wrongfully failing to report the compromise of information classified as SECRET.

Specification 3 (Failure to Obey a Lawful Order): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, having knowledge of a lawful order issued by the Special Security Officer, Special Projects Patrol Squadron TWO, to report all foreign contacts to the Special Security Officer, an order which it was his duty to obey, did, at or near Pearl Harbor, HI, on divers occasions, between on or about 24 February 2013 and about September 2015, fail to obey the same by wrongfully failing to report foreign contacts.

SEE 2 ADDITIONAL PAGES

## III. PREFERRAL

(b)(6) NAME OF ACCUSER (Last, First, MI)	b GRADE (b)(6)	c. ORGANIZATION OF ACCUSER United States Fleet Forces Command
d. SIGNATURE OF ACCUSER (b)(6)	e. DATE 7 April 2016	

I, the undersigned, being duly sworn, and authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 7<sup>th</sup> day of April, 2016, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

(b)(6)  
typed name of Officer

(b)(6)

(b)(6)

United States Fleet Forces Command  
Organization of Officer

(b)(6)

Official Capacity to Administer Oaths  
(See R.C.M. 307(b)-must be commissioned officer)



12 On 7 April, 20 16, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(e)) (See R.C.M. 308 if notification cannot be made.)

(b)(6)

Typed Name

(b)(6)

Region Legal Service Office Mid-Atlantic

Organization

(b)(6)

#### IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1600 hours, 7 April 20 16 at \_\_\_\_\_  
Designation of Command or

United States Fleet Forces Command

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE

Commander, United States Fleet Forces  
Command

(b)(6)

Typed Name of Officer

(b)(6)

Official Capacity of Officer Signing

(b)(6)

#### V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Fleet Forces Command

NSA, Norfolk, VA

10 May 2016

Referred for trial to the General court-martial convened by General Court-Martial

Convening Order IA-15

24 August, 20 15, subject to the following instructions:<sup>2</sup> None.

By

Of

Command or Order

P.S. DAVIDSON

Typed Name of Officer

Commander

Official Capacity of Officer Signing

(b)(6)

ADMIRAL U.S. NAVY

15 On 11 May, 20 16, I (caused to be) served a copy hereof on (each of) the above named accused

(b)(6)

(b)(6)

(b)(6)

Grade or Rank of Trial Counsel

2 - See R.C.M. 601(e) concerning instructions. If none, so state



CHARGE I, VIOLATION OF THE UCMJ, ARTICLE 92 (CONTINUED)

Specification 4 (Violation of a Lawful General Order): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 11 September 2015, fail to obey a lawful general order, to wit: SECNAV M-5510.36, paragraph 10-3, dated June 2006, as incorporated into SECNAVINST 5510.36A, dated 6 October 2006, by wrongfully failing to properly store material classified as SECRET.

CHARGE II, VIOLATION OF THE UCMJ, ARTICLE 106a

Specification 1 (Espionage): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Washington, D.C., on divers occasions, from about September 2012 to about December 2013, with intent or reason to believe it would be used to the advantage of a foreign nation, communicate SECRET information relating to the national defense to representatives of a foreign government.

Specification 2 (Espionage): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Washington, D.C., on divers occasions, from about April 2012 to about May 2014, with intent or reason to believe it would be used to the advantage of a foreign nation, communicate SECRET information relating to the national defense to a representative of a foreign government.

Specification 3 (Attempted Espionage): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 1 September 2015, with intent or reason to believe it would be used to the advantage of a foreign nation, attempt to communicate SECRET information relating to the national defense to a representative of a foreign government.

Specification 4 (Attempted Espionage): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 4 September 2015, with intent or reason to believe it would be used to the advantage of a foreign nation, attempt to communicate SECRET information relating to the national defense to a representative of a foreign government.

Specification 5 (Attempted Espionage): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 9 September 2015, with intent or reason to believe it would be used to the advantage of a foreign nation, attempt to communicate SECRET information relating to the national defense to a representative of a foreign government.

CHARGE III, VIOLATION OF THE UCMJ, ARTICLE 107

Specification 1 (False Official Statement): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 9 August 2012, with intent to deceive, electronically sign an official record, to wit: Standard Form 86, which record was false in that it failed to include foreign travel from 3 December 2011 to 10 December 2011, and was then known by the said Lieutenant Commander Edward C. L. Lin to be so false. *WASH, D.C.*

Specification 2 (False Official Statement): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 31 October 2013, with intent to deceive, electronically sign an official record, to wit: an e-Leave Request dated 31 October 2013, which record was false in that it listed the leave address as 166 Comay Terrace, Alexandria, VA rather than the actual foreign destination, and was then known by the said Lieutenant Commander Edward C. L. Lin to be so false. *WASH, D.C.*

Specification 3 (False Official Statement): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 29 April 2015, with intent to deceive, electronically sign an official record, to wit: an e-Leave Request dated 1 July 2015, which record was false in that it listed the leave address as 166 Comay Terrace, Alexandria, VA rather than the actual foreign destination, and was then known by the said Lieutenant Commander Edward C. L. Lin to be so false.



CHARGE IV, VIOLATION OF THE UCMJ, ARTICLE 134

Specification 1 (Communicating Defense Information): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 21 August 2015, having lawful access to information relating to the national defense of the United States, which information the said Lieutenant Commander Edward C. L. Lin, U.S. Navy, had reason to believe could be used to the injury of the United States or to the advantage of a foreign nation, knowingly and willfully communicate information relative to the national defense to a person not entitled to receive said information in violation of Title 18, United States Code, Section 793(d), an offense not capital.

Specification 2 (Communicating Defense Information): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 25 August 2015, having lawful access to information relating to the national defense of the United States, which information the said Lieutenant Commander Edward C. L. Lin, U.S. Navy, had reason to believe could be used to the injury of the United States or to the advantage of a foreign nation, knowingly and willfully communicate information relative to the national defense to a person not entitled to receive said information in violation of Title 18, United States Code, Section 793(d), an offense not capital.

Specification 3 (Communicating Defense Information): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 1 September 2015, having lawful access to information relating to the national defense of the United States, which information the said Lieutenant Commander Edward C. L. Lin, U.S. Navy, had reason to believe could be used to the injury of the United States or to the advantage of a foreign nation, knowingly and willfully communicate information relative to the national defense to a person not entitled to receive said information in violation of Title 18, United States Code, Section 793(d), an offense not capital.

Specification 4 (Communicating Defense Information): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 4 September 2015, having lawful access to information relating to the national defense of the United States, which information the said Lieutenant Commander Edward C. L. Lin, U.S. Navy, had reason to believe could be used to the injury of the United States or to the advantage of a foreign nation, knowingly and willfully communicate information relative to the national defense to a person not entitled to receive said information in violation of Title 18, United States Code, Section 793(d), an offense not capital.

Specification 5 (Communicating Defense Information): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about 9 September 2015, having lawful access to information relating to the national defense of the United States, which information the said Lieutenant Commander Edward C. L. Lin, U.S. Navy, had reason to believe could be used to the injury of the United States or to the advantage of a foreign nation, knowingly and willfully communicate information relative to the national defense to a person not entitled to receive said information in violation of Title 18, United States Code, Section 793(d), an offense not capital.

Specification 6 (Prostitution - Patronizing): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, on or about October 2014 to about March 2015, wrongfully procure Min Zhou to engage in an acts of prostitution for hire and reward with the accused, such conduct being to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

Specification 7 (Adultery): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, a married man, did, at or near Norfolk, Virginia and Flushing, New York, on divers occasions between about January 2011 and about July 2015, wrongfully have sexual intercourse with Ms. Zhen Guan, a woman not his wife, such conduct being to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

AND NO OTHERS



# CHARGE SHEET

## I. PERSONAL DATA

1 NAME OF ACCUSED (Last, First MI) LIN, Edward C. L.		2 SSN (b)(6)	3 RANK/RATE LCDR	4 PAY GRADE O-4
5 UNIT OR ORGANIZATION Commander Patrol and Reconnaissance Group			6 CURRENT SERVICE	
			a INITIAL DATE 22 Dec 1999	b TERM Indefinite
7 PAY PER MONTH		8 NATURE OF RESTRAINT OF ACCUSED		9 DATE(S) IMPOSED
a. BASIC (b)(6)	b. SEA/FOREIGN DUTY \$0.00	c. TOTAL (b)(6)	Pre-Trial Confinement	
				September 11, 2015 - Present

## II. CHARGES AND SPECIFICATIONS

10. ADDITIONAL CHARGE VIOLATION OF THE UCMJ, ARTICLE 92

Specification (Violation of a Lawful General Order): In that Lieutenant Commander Edward C. L. Lin, U.S. Navy, Commander Patrol and Reconnaissance Group, on active duty, did, at or near Pearl Harbor, HI, from about February 2014 to about September 2015, fail to obey a lawful general order, to wit: SECNAV M-5510.30, paragraph 3-8, dated June 2006, as incorporated into SECNAVINST 5510.30B, dated 6 October 2006, by wrongfully failing to report foreign connections to his security manager.

AND NO OTHERS

## III. PREFERRAL

11a NAME OF ACCUSER (Last, First, MI) (b)(6)	11b GRADE (b)(6)	11c ORGANIZATION OF ACCUSER United States Fleet Forces Command
11d SIGNATURE OF ACCUSER (b)(6)		11e DATE 9 May 2016

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 9th day of MAY, 2016, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief

(b)(6)

Typed Name of Officer

(b)(6)

(b)(6)

United States Fleet Forces Command

Organization of Officer

(b)(6)

Official Capacity to Administer Oaths  
(See R C M 307(b) - must be commissioned officer)

12. On 11 May, 20 16, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)) (See R.C.M. 308 if notification cannot be made.)

(b)(6)

Typed Name

Region Legal Service Office Mid-Atlantic

Organization

(b)(6)

(b)(6)

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1103 hours, 9 May 20 16 at United States Fleet Forces Command  
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

Designation of Command or

FOR THE Commander, United States Fleet Forces Command

(b)(6)

Typed Name of Officer

(b)(6)

Official Capacity of Officer Signing

(b)(6)

(b)(6)

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

United States Fleet Forces Command

NSA Norfolk, VA

10 May 2016

Referred for trial to the General court-martial convened by General Court-Martial

Convening Order 1A-15

24 August 20 15, subject to the following instructions:<sup>2</sup> To be tried in  
conjunction with the charges preferred on 7 April 2016, ICO Edward C.L. Lin

By

Of

Command or Order

P.S. Davidson

Typed Name of Officer

Commander

Official Capacity of Officer Signing

(b)(6)

Admiral, U.S. Navy

Signature

15. On 11 May, 20 16, I (caused to be) served a copy hereof on (each of) the above named accused

(b)(6)

(b)(6)

(b)(6)

Grade or Rank of Trial Counsel

FOOTNOTES

- 1 - When an appropriate commander signs personally inapplicable words are stricken  
2 - See R.C.M. 601(e) concerning instructions. If none, so state